

Form 39.08

2022

Hfx. No. 513479

SUPREME COURT OF NOVA SCOTIA

Between:

NOVA SCOTIA CIVIL LIBERTIES ASSOCIATION

Applicant

- and -

**HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF NOVA SCOTIA,
as represented by the Ministry of Municipal Affairs and Housing**

Respondent

AFFIDAVIT OF MARK PEACHEY

I, Mark Peachey, of Lower Sackville, Nova Scotia, make oath and give evidence as follows:

1. I am the Chief Engineer with the Department of Public Works with the Province of Nova Scotia.
2. I have personal knowledge of the evidence sworn to in this Affidavit except where otherwise stated to be based on information and belief.
3. I state, in this Affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.
4. As Chief Engineer, I am the head of highway operations across the Province of Nova Scotia.
5. I have been employed with the Province of Nova Scotia for 16 years.
6. This Affidavit is sworn in relation to the Charter challenge application to the Direction of the Minister of Municipal Affairs and Housing, issued January 28, 2022 (Direction of the Minister under a Declared State of Emergency 22-002); and the Direction of the Minister issued February 4, 2022 (Direction of the Minister under a Declared State of Emergency 22-003). Both Directions were issued under Emergency Management Act in response to planned blockades, or partial blockades of Highway 104 at the Nova Scotia/New Brunswick Border, and in relation to planned blockades or partial blockades of other roads, streets, or highways in the Province of Nova Scotia.
7. In my capacity as then Acting Chief Engineer with the Department of Public Works, I was a participant in planning sessions and meetings between various governmental departments and law enforcement officials in relation to a planned highway blockade of

Highway 104 near the NS-NB border in Cumberland County on June 23, 2021, a highway blockade planned for January 28-29, 2022 in the same area, and various blockades which had been planned to take place in other parts of the Province in February, 2022.

8. I was advised by the RCMP at the time, and do verily believe, that truckers had planned a blockade of Highway 104 at the Nova Scotia/New Brunswick border commencing at 1:00pm on Saturday, January 28, 2022, and continuing into Sunday, January 29, 2022.
9. I was advised by the RCMP, and do verily believe, that this blockade was part of a larger nationally organized convoy across Canada involving truckers who planned to travel as a massive convoy to Ottawa to protest the federal vaccine mandates.
10. I was advised by Department of Public Works communications staff, and from information from social media, and do verily believe, that a Go Fund Me Page entitled, "Freedom Convoy 2022" had been set up under organizer Tamara Lich out of Medicine Hat, Alberta. The page at the time of the blockade planned for January 28, 2022, and January 29, 2022, showed a total of \$7,087,570 of their Eight-million-dollar goal having been reached. The page indicates the donations are being requested, "to help with the costs of fuel, food and lodgings ... ". A copy of the Go Fund Me Page is attached hereto and marked **Exhibit "A"**.
11. Highway 104 is the main artery between New Brunswick and Nova Scotia and connects Nova Scotia to the rest of Atlantic Canada and the country. It is the main route into and out of the Province of Nova Scotia and is key to the Province's supply chain. Any blockade of this highway would create significant delays with moving goods or people in an out of Nova Scotia. Approximately \$50 million of product is transported along this highway every day.
12. The planned blockade on January 28-29, 2022, created the risk of supply chain delays for the Province of Nova Scotia with respect to the transportation of foods and goods requiring refrigeration, which could be spoiled due to delays caused by the planned blockade, resulting in loss of food and essential goods for Nova Scotians. Perishable goods could freeze if transport had been delayed for extended periods of time. Fish and lobster is particularly vulnerable and are time sensitive shipments. If these shipments had been delayed the produce would likely be spoiled and lost. There is also the concern for the safety and health of livestock, which is routinely transported along this route, due to delays.
13. The planned blockade of Highway 104 scheduled for January 28-29, 2022 also created the risk that the transportation corridor for emergency personnel, essential workers including health care workers, and physicians to get to work in hospitals and clinics in the region would be impeded; that emergency vehicles such as ambulances would be blocked or impeded from transporting patients, and that the general public would also be impeded from being able to travel from place to place.

14. Extended blockades like the one planned for January 28-29, 2022, also have the potential to create strains on local communities who would be forced to supply food and lodging for the protesters and any commuters who may be delayed. The number of people that were anticipated with this blockade had significant potential to overwhelm the local communities.
15. It is not unusual for there to be upwards of 100 long-haul trucks travelling along Highway 104 within a period of a few hours each day. If a blockade prevents travel along Highway 104, those trucks would have to be rerouted into the nearby town of Amherst.
16. Amherst is a town of approximately 5,000 people and its roadway infrastructure is not designed to handle this level of Class 1 vehicles. The increased traffic on the town roads would lead to increased traffic congestion and increased risk of accident and injury.
17. I was advised by our Corporate Security Officer who was monitoring the social media around this planned protest, and do verily believe, that there were upwards of 150 truckers planning to come to this event with a further 755 truckers having expressed an interest in attending.
18. I was also advised by the RCMP and do verily believe that they had attempted to secure tow trucks to assist in towing any vehicles, should this have been necessary, during the blockade but that they were unable to secure these resources.
19. I am advised by the RCMP and do verily believe that if arrests had to be made and the Class 1 trucks had to be moved, that there were officers available to move the trucks. The trucks would have had to be parked in the Amherst Industrial Park; however, this Park would be at maximum capacity with 100 trucks.
20. Parked vehicles along a 100 series highway creates significant risk of injury and maybe even death. From my experience with an earlier blockade in the same area of Highway 104 in June 2021, these types of blockades usually result in people spilling onto the highway and congregating in large groups in the travelled portion of the highway. The January 28-29, 2022, planned blockade posed a significant risk of injury and death to those standing on the highway as well as to the motorists travelling on the highway.
21. I am aware that, at the time of the time of the January 28-29, 2022, planned blockade, the Tantramar Marsh Local Area Forecast had been calling for 40 cm of snow commencing Saturday morning into Sunday morning when the precipitation was forecasted to turn to freezing rain. This weather forecast required Public Work vehicles to be on the highway performing snow removal and salting. The planned blockade or partial blockade of the highway increased the risk of accident and injury to these operators as well as to other motorists or protesters on the highway. A copy of the Tantramar Marsh Local Area Forecast is attached hereto as **Exhibit "B"**.
22. The January 28-29, 2022, planned blockade was effectively canceled due to winter storm conditions on the day scheduled for the event. I am advised by Department of Public

Works officials, and do verily believe, that sections of Highway 104 at the border area on the day of the planned blockade had generally dangerous road conditions and poor visibility due to winter weather.

23. I attended the Amherst, NS-NB border area at the time of the June 23, 2021, blockade, and observed many tractor trailers lining the streets of Amherst, and the Amherst industrial park, which had been waiting to cross the border since the beginning of the blockade. I was advised by Ian Burke, an official with the Department of Internal Services, and do verily believe that the total number of tractor trailer trucks backed up into the town of Amherst on June 23, 2021, was between 100 and 200.
24. I was advised by the local MLA from Cumberland North at the time of the June 23, 2021, blockade event, and do verily believe, that the blockade was preventing some health care workers from getting to work in Amherst from New Brunswick.
25. I am advised, based upon information received from officials from various government departments and local officials during the June 23, 2021 blockade, and do verily believe, and from my involvement in dealing with the June 23, 2021 blockade event, that several of the disruptions and risks anticipated for the January 28-29, 2022 planned blockade were experienced during the June 23, 2021 blockade of Highway 104 in the vicinity of the NS-NB border, which included the following:
 - (a) Health care workers were impeded or prevented from traveling to work;
 - (b) Supply chain disruptions resulted in delays in the transportation of essential goods and supplies into and out of the Province; and
 - (c) Risk of injury to people standing on or near the highway, and to people traveling on the highway.
26. I was also involved in planning meetings with emergency management officials, law enforcement, and officials from various government departments, in advance of highway protest and blockade events on roads and streets planned for other parts of the Province in February 2022.
27. The highway protests and blockade events planned for February, 2022 of which I was made aware were planned to take place along highway 104 leading into Nova Scotia across the NS-NB border, and on other streets, roads and highways in areas across the province, such as at the Atlantic Ferry terminal in North Sydney, Cape Breton and in the Halifax area.

28. The roads, streets, and highways on which the highway protests and blockades scheduled for February 2022 were to take place, are essential supply routes for the Province of Nova Scotia, for the transportation of essential goods and supplies. These highways, road and streets are also used as transportation routes by essential workers, including health care staff, and are also used by emergency vehicles, such as ambulances and medial transport vehicles.
29. The planned highway protests and blockades along these roads, streets and highways presented a risk of causing supply chain issues due to the disruption of essential supply routes, and transportation disruptions affecting the movement of essential workers and emergency vehicles. These potential transportation disruptions raised the risk of the loss of consumable products in transit, delays in the shipment of goods into and out of the Province, the impeding of health care workers in getting to work and blocking access routes for emergency vehicles and personnel.
30. As with the planned blockade event for January 29, 2022, the gathering of potentially large numbers of people on highways, roads and streets across the Province to participate in the highway blockade and protests planned for February 2022, also presented a risk of injury for those gathering to participate in these events on or near these traveled ways, and to members of the public using these traveled ways at the time of these events.
31. On February 11, 2022, I participated in a conference call chaired by Hayley Crichton, the Executive Director of Public Safety and Planning, Department of Justice, along with officials from other government departments and agencies, and law enforcement officials, to discuss planned highway blockades and protests scheduled for that weekend across the province.
32. Following this meeting, I made Department of Public Works staff aware of the potential blockades that had been identified at this meeting and had them ready to perform road patrols and perform traffic control if required.
33. With respect to the planned highway protests and blockades planned for the weekend of February 11, 2022, I recall that there were several smaller rolling convoys which occurred at various locations, but I do not recall any blockades taking place. Furthermore, I do not recall there being any reports of supply chain issues arising from these convoys. The only issues reported were slowing of traffic and localized build-up of traffic. I do not recall any instance where an emergency vehicle was inhibited during these events.

Sworn to before me on the 3rd day of
November 2022, at the City of Halifax,
in the Province of Nova Scotia.

MARK RIEKSTS

A Barrister of the Supreme
Court of Nova Scotia

MARK V. RIEKSTS
A Barrister of the Supreme
Court of Nova Scotia

MARK PEACHEY

2022

Hfx No. 513479

This is Exhibit "A" referred to in the
Affidavit of Mark Peachey, sworn
before me this 3rd day of
November 2022.



Mark V. Rieksts

A Barrister of the Supreme Court of
Nova Scotia

MARK V. RIEKSTS
A Barrister of the Supreme
Court of Nova Scotia



How it
works

Start a
GoFundMe



Sign in

Share

Donate

Freedom Convoy 2022

 Team fundraiser



Tamara Lich and B.J. Dichter are organizing this fundraiser.

\$7,087,570 raised
of \$8,000,000 goal

90.1K donations

Share

Delta BC Rollout Jan 23

To our Fellow Canadians, the time for political over reach is over. Our current government is implementing rules and mandates that are destroying the foundation of our businesses, industries and livelihoods. Canadians have been integral to the fabric of humanity in many ways that have shaped the planet.

We are a peaceful country that has helped protect nations across the globe from tyrannical governments who oppressed their people, and now it seems it is happening here. We are taking our fight to the doorsteps of our Federal Government and demanding that they cease all mandates against its people. Small businesses are being destroyed, homes are being destroyed, and people are being

Donate now



\$50

• Recent donation



Anonymous

\$25,022

• Top donation



\$50

• First donation

See
all



See top
donations top

[illegible]

through the GoFundMe campaign.

We have an amazing team behind the scenes comprised of lawyers, accountants and bookkeepers working hard to ensure people will be compensated. As a reminder, this will take a bit of time, and we ask for your patience while the team reviews and validates the overwhelming number of submissions by participants.

Again, thank you to everyone for their kindness, patience, and support while we get this sorted. Each and everyone of you is playing a part in unifying Canadians across the country and showing the world that there is not just hope for Canada, but for the entire world.

2022

Hfx No. 513479

This is Exhibit "B" referred to in the
Affidavit of Mark Peachey, sworn
before me this 3rd day of
November 2022.



Mark V. Rieksts
A Barrister of the Supreme Court of
Nova Scotia

Local Area Forecast for Tantramar Marsh LAF

Issued At: Friday 28 January 2022 0400 AST
Valid Until: Tuesday 1 February 2022 2100 AST

wood.

BLIZZARD WARNING

Discussion

Snow showers today. Snow and snow showers Saturday morning, then snow Saturday afternoon and evening. Showers likely Sunday morning.

Forecast

T stands for trace

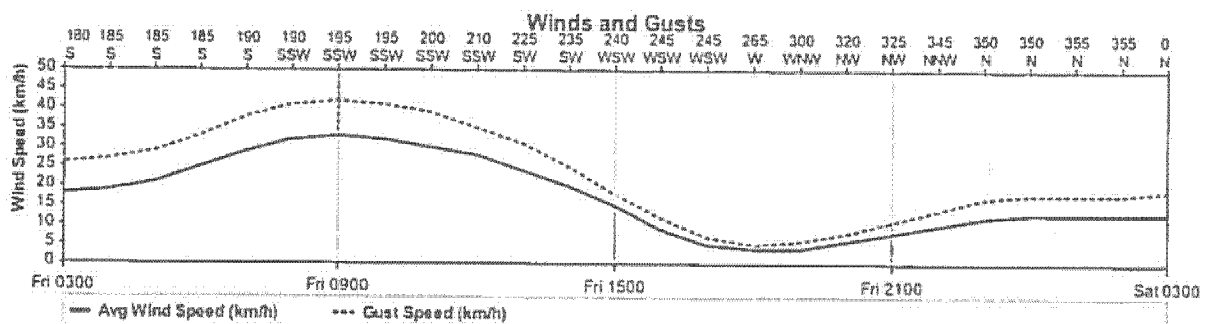
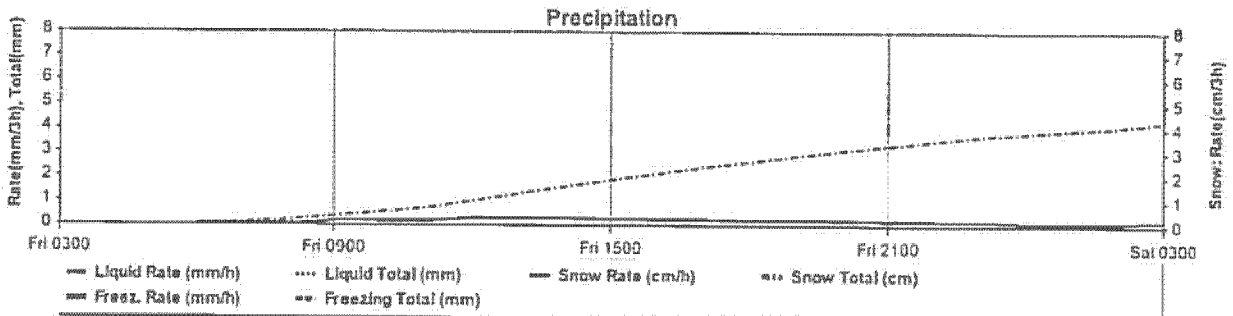
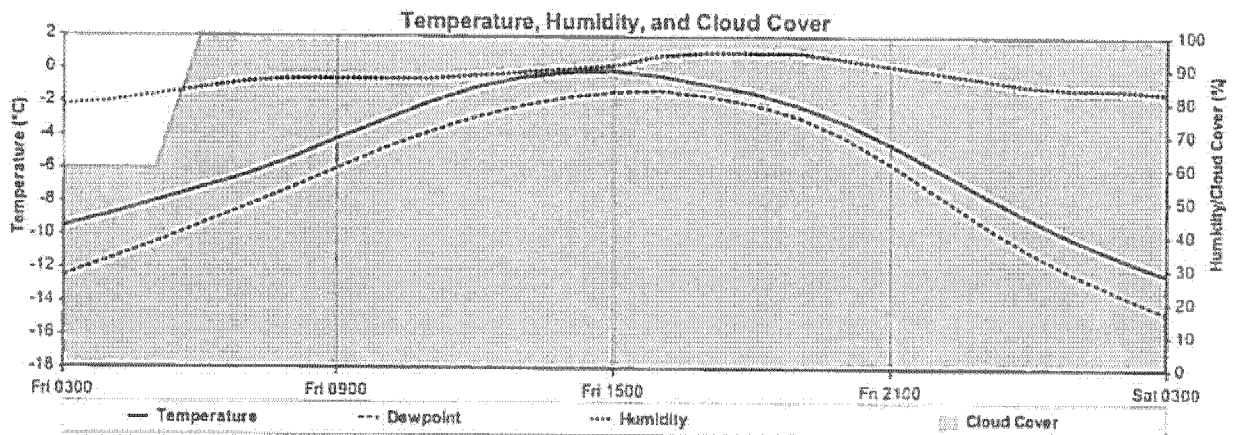
Date	Fri January 28 2022																							Sat 29			
Period	Overnight			Morning					Afternoon					Evening					Overnight								
Hour (AST)	5	6	8	9	7	8	10	10	11	12	12	14	15	16	17	18	19	20	21	22	23	0	1	2	3		
Snow																											
Flurries																											
Liquid Rate (mm/h)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Freez. Rate (mm/h)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Snow Rate (cm/h)	0	0	0	0.1	0.1	0.1	0.2	0.2	0.2	0.3	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.1	0.1	0.1	0.2		
Liquid Accum. (mm)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Freez. Accum. (mm)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Snow Accum. (cm)	0	0	0	0.1	0.1	0.2	0.4	0.5	0.7	1	1.3	1.6	1.9	2.2	2.4	2.7	2.9	3.1	3.3	3.5	3.7	3.8	4	4.1	4.3		
POP (%)	0	0	0	60	60	60	80	80	80	90	90	90	90	90	90	80	80	80	80	80	80	60	60	60	60		
Pressure (hPa)	1022	1022	1021	1021	1020	1020	1020	1020	1019	1019	1019	1018	1018	1018	1019	1020	1020	1021	1021	1022	1022	1023	1023	1023	1023		
Temperature (°C)	-10	-9	-8	-7	-6	-5	-4	-3	-2	-1	-1	-0	-0	-0	-1	-1	-2	-3	-5	-6	-8	-9	-10	-11	-12		
Dew Point Temp (°C)	-13	-12	-11	-9	-8	-7	-6	-5	-4	-3	-2	-2	-1	-1	-2	-2	-3	-4	-6	-8	-9	-11	-12	-14	-15		
Humidity (%)	79	80	82	84	86	87	87	87	88	89	90	91	94	95	95	95	93	91	89	87	85	84	84	83			
Wind Chill (°C)	-17	-16	-16	-15	-15	-14	-12	-11	-9	-8	-6	-5	-5	-5	-4	-1	-1	-2	-6	-8	-10	-13	-15	-16	-19		
Cloud Cover (%)	60	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100		
Visibility (km)	15.0	15.0	15.0	15.0	15.0	9.4	7.2	5.5	4.7	4.4	4.1	4.3	7.4	12.3	15.0	15.0	15.0	15.0	14.8	13.1	15.0	15.0	15.0	15.0	12.8		
Wind Dir (true/from)	S	S	S	S	S	SSW	SSW	SSW	SSW	SSW	SW	SW	WSW	WSW	WSW	W	WNW	NW	NW	NW	N	N	N	N	N		
Wind Speed (km/h)	16	19	21	25	29	32	33	32	30	28	24	20	15	9	5	4	4	6	8	10	12	13	13	13	13		
Gust Speed (km/h)	26	27	29	33	38	41	42	41	39	35	31	25	18	12	7	5	6	8	11	14	17	18	18	18	19		

24-48 Hour Forecast

Date	Sat January 29 2022																							Sun 30				
Period	Morning							Afternoon							Evening							Overnight						
Hour (AST)	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	00	01	02	03	04			
Snow																												
Flurries																												
Ice Pellets																												
Showers																												
Freezing Rain																												
Liquid Rate (mm/h)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Freez. Rate (mm/h)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Snow Rate (cm/h)	0.2	0.2	0.2	0.2	0.2	0.6	0.6	0.6	2.5	2.5	2.5	5.6	5.6	5.6	4.1	4.1	4.1	0.4	0.4	0.4	0	0	0	0	0			
Liquid Accum. (mm)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Freez. Accum. (mm)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.1	0.2	0.3	0.3	0.4			
Snow Accum. (cm)	0.2	0.4	0.6	0.8	1	1.6	2.2	2.8	5.3	7.8	10.2	15.9	21.5	27.2	31.3	35.4	39.5	39.9	40.2	40.6	40.6	40.7	40.7	40.7	40.7			
POP (%)	60	60	80	80	80	100	100	100	100	100	100	100	100	100	100	100	100	80	80	80	70	70	70	70	70			
Pressure (hPa)	1023	1023	1023	1022	1021	1019	1017	1014	1010	1005	1001	999	995	992	990	988	986	985	983	982	980	979	977	975	973			
Temperature (°C)	-13	-13	-13	-13	-13	-11	-10	-8	-7	-6	-8	-5	-5	-4	-4	-3	-2	-2	-1	-1	-1	-0	-0	1	1			
Dew Point Temp (°C)	-15	-16	-16	-16	-15	-14	-12	-11	-10	-8	-7	-7	-6	-6	-5	-5	-4	-4	-3	-2	-2	-1	-1	0	1			
Humidity (%)	82	81	82	83	84	83	82	82	83	85	86	87	88	89	88	88	88	88	89	90	92	94	96	97	97			
Wind Chill (°C)	-20	-21	-20	-20	-20	-19	-18	-17	-17	-16	-15	-15	-15	-14	-12	-11	-9	-7	-5	-4	-4	-4	-3	-2	-2			
Cloud Cover (%)	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100			
Visibility (km)	10.8	9.3	11.4	11.7	10.1	3.2	1.6	1.0	0.4	0.2	0.2	0.1	0.1	0.1	0.1	0.1	0.2	1.5	3.9	15.0	15.0	15.0	15.0	15.0	15.0			
Wind Dir (true/from)	N	N	N	N	N	NNE	NE	NE	NE	NE	NE	NE	NE	NE	NNE	NNE	NNE	NNE	NNE	NNE	N	NNW	NW	NNW	NNW			
Wind Speed (km/h)	14	14	13	13	15	22	30	39	45	50	54	60	64	64	59	51	41	31	22	15	12	11	12	11	11			
Gust Speed (km/h)	19	20	19	18	21	29	40	51	58	65	70	78	84	85	79	69	57	44	31	21	17	16	17	15	15			

Outlook

Date	Sun January 30 2022								Mon January 31 2022								Tue February 1 2022							
Hour (AST)	0	3	6	9	12	15	18	21	0	3	6	9	12	15	18	21	0	3	6	9	12	15	18	21
Snow																								
Flurries																								
Showers																								
Freezing Rain																								
Liquid Accum. (mm)	T								0								0							
Freez. Accum. (mm)	T								0								0							
Snow Accum. (cm)	2-5								0								0							
Temperature (°C)	-1	1	0	-4	-8	-7	-9	-11	-13	-15	-17	-15	-10	-8	-12	-16	-17	-18	-15	-16	-10	-9	-11	-14
Cloud Cover (%)	100	100	100	100	80	60	50	40	20	40	50	50	50	50	50	50	40	30	40	10	10	20	40	60
Wind Dir (true/from)	N	NNW	NNW	WNW	W	WSW	WSW	WSW	WSW	WSW	WSW	WSW	WSW	WSW	W	W	WNW	NW	NNW	SSW	NNE	NE	ENE	E
Wind Speed (km/h)	12	11	19	32	32	41	32	21	11	8	7	8	11	11	7	5	3	3	4	3	5	6	5	4
Gust Speed (km/h)	17	15	29	49	44	54	41	29	19	13	7	10	20	19	11	5	3	3	4	3	5	6	5	4



Duty Forecaster:

1-800-965-2044 or w.earher@woodpic.com

Refer to Wood Forecast Interpretation Guide for detailed definition of forecast content

PN 12737844-29

Environment and Climate Change Canada - Public Weather Alerts https://meteo.gc.ca/warnings/index_e.html